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President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.05 a.m.

Agenda item 13

Report of the International Court of Justice (A/51/4)

The President: This morning the Assembly will first turn to the report of the International Court of Justice now before the Assembly (A/51/4) covering the period from 1 August 1995 to 31 July 1996.

May I take it that the General Assembly takes note of the report of the International Court of Justice?

It was so decided.

The President: I call upon Mr. Mohammed Bedjaoui, President of the International Court of Justice.

Mr. Bedjaoui (President of the International Court of Justice) *(interpretation from French)*: It is again a pleasure and an honour for me to have the opportunity to address the General Assembly on behalf of the International Court of Justice. I cannot reiterate often enough the importance, in my view, of this direct and truly privileged contact between the Court I represent and the General Assembly, and I am most pleased as well that this has become a regular event. The independence and equanimity which must in all circumstances govern the work of the judiciary, presuppose, of course, that the court maintain a certain distance between itself and the upheavals of the society in whose service it works. But the profoundly social nature of that function at the same time implies that a court must constantly be alert to the problems of that society, and remain in contact with those who are subject to its jurisdiction. I therefore wish to express my sincere thanks to the Assembly — which is not only the major plenary organ of our Organization, but also the cradle of international democracy — for having again this year been willing to set aside a little of its precious time for the President of a Court which is open to all the States of the world and which exists to deal with all the legal questions those States may wish to submit to it.

I am all the more aware of the privilege I have in addressing this body today, in that it has elected to the presidency of the Assembly an illustrious individual, His Excellency Tan Sri Razali Ismail, to whom I extend my warmest congratulations. Let me tell you, Sir, what great hopes your election raises for the international community, which is honoured to welcome you to this eminent post. Your brilliant diplomatic career has enabled you to become acquainted with many of the peoples of the world, who are now placing a very special trust in you, because they know that you understand all their diverse aspirations. The noble struggle in which you have engaged over the years for the promotion of human rights, the development of peoples and respect for the global environment compels our admiration. As a citizen of Malaysia, you are also a symbol of a nation which has achieved an exemplary blend of rich, age-old traditions and a modernism as courageous as it is effective in the promotion of economic renewal and social well-being. The International Court of Justice is especially delighted

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by your election since you recently did it the honour of testifying, most masterfully, before it regarding the grave concerns of your people — of so many peoples — about the threat and the use of nuclear weapons. I am convinced that, with the ideals which have always guided your actions, and with your particular talents and experience, you will successfully fulfil the exalted mission which the international community has this year entrusted to you. I wish you every success in this difficult enterprise.

In 1994, I shared with your Assembly some reflections on the role of the International Court of Justice in the general system for the maintenance of peace established by the Charter. Last year — the fiftieth anniversary of the United Nations and thus a year of stock-taking — I followed up on those reflections by attempting to sketch the future of the Court, taking account of its various achievements. I should now like to complete this triptych with some considerations on the difficulties encountered by the Court in the performance of its truly unique mission in the service of peace. The wealth of its achievements throughout the past half-century and the very evident revival of interest shown in it in recent years should not cause us to lose sight of the constraints under which it operates. A proper perception of those constraints seems to me essential to a solid understanding of the work of the Court and thus to the strengthening of that work.

The International Court of Justice is a component, as members are aware, not only of the machinery created by the Charter for the peaceful settlement of disputes, but also of the general system for the maintenance of international peace and security. The Court is the principal judicial organ of the Organization, and, as such, its responsibilities are considerable. While it does not bear exclusive responsibility for the peaceful settlement of legal disputes, it does in a way bear the principal responsibility. For successfully carrying out the tasks thus incumbent upon it, it has at its disposal two instruments: the contentious procedure, at the end of which the Court settles the dispute submitted to it by handing down a judgment that is binding on the parties; and the advisory procedure, at the end of which the Court may respond, by rendering an advisory opinion, to a legal question put to it by an organization authorized to do so. The contentious procedure would seem to be the pre-eminent peacemaking instrument available to the Court. I have already had occasion to stress the advantages for this purpose of the advisory procedure. Apart from the fact that it can be an effective instrument of preventive diplomacy, the advisory procedure may make a substantial contribution to the solution of a dispute that already exists. It can moreover provide the Court with an opportunity to deal with some of the major questions under discussion by the international community. There is scarcely any need for me to refer at this juncture to the momentous issues which, both from the standpoint of the development of the law and from that of world peace, are at stake in advisory proceedings such as those instituted by this Assembly with respect to the Legality of the Threat or Use of Nuclear Weapons.

The International Court of Justice is endowed with both a privileged institutional status and procedural instruments whose potential is frequently underestimated. Nevertheless, its action in the service of peace faces certain limitations over which it has scant control. Some of them are structural, deriving from the very essence of the function of courts and also from the essence of contemporary society in the service of which international courts work. The other limits are circumstantial and relate, *inter alia*, to the material resources made available to the court. While the former limitations are constant, being structural, and in principle could be removed only at the cost of a distortion of the judicial function or a profound transformation of the political environment in which it is performed, the latter are reversible, but have the drawback of being extremely unpredictable.

Let us first consider the structural limitations. The function of a court might be said to be to restore peace by applying the rule of law in relations between those subject to jurisdiction. There is no disputing the pre-eminent role of the rule of law as a factor for harmony and stability in any society. The law is always an instrument and never an end in itself. But it is an indispensable instrument in terms of ordering relations between the various component of society with a view to attaining the objectives sought by that society, given the changing system of values of that society. It is therefore a truism to assert that by endeavouring to achieve respect for the rule of law in relations between its subjects, a court is playing the role of peacemaker which is essential to the promotion of the social good. In this sense, it is not incorrect to say that a court's function is "political", which does not mean — and this must be stressed — that it can be in any way partisan. It is "political" in the sense that the court is one of the protagonists contributing to the building of human society. However fundamental it may be, the action of a court cannot, however, serve as a panacea for the many and varied ills that may afflict a society, for a whole range of reasons.

In the first place, there are many disorders or imbalances which, by their very nature, substantially —

if not totally — elude the grasp of the law, and hence of the courts. Even the most advanced societies cannot be completely "juridicized". The law cannot claim by virtue of its essential instrumental dimension to understand all aspects of reality. In any society, there are tensions, some more diffuse or apparent, chronic or acute than others, which pose a threat to the social order when they have no clearly defined object. Such tensions, which moreover cannot be left unchecked, inherently elude application of the rule of law, which thus appears unsuited to the task of controlling them. As for more clearly characterized disputes, their complexity is frequently such that, even when they have a legal dimension, tackling that dimension by judicial means — useful though this exercise may be — is not enough to settle them, or even to mitigate them.

The peacemaking function of courts thus encounters its first limitation in the inevitable limits on the degree to which the law permeates social relations and on its effectiveness. Admittedly, although the law never exhausts reality, the place it occupies in the range of societies varies enormously. This place depends on the social reality of which the law forms part: in other words, on a given social milieu, with its ethical imperatives and its political, economic, cultural and other factors. The frequency and impact of the crises which in this way escape the benefits of court intervention are themselves determined by the state of that social milieu.

In the international order, the social fabric is less impregnated by law than it is in the domestic order. Because international society is less integrated, legal relations in it are weaker, even cruder. It scarcely needs to be recalled that today this society is still strongly marked by the "horizontalism" stemming from the coexistence of State sovereignties. In the absence of a universal legislative power which, through general channels, would lay down rules corresponding to the reconciled needs of all the actors in international life, the law of individuals continues to be the direct product of its subjects, all of whom, through State voluntarism, retain control of that part of international law whose application to themselves they accept. There is no doubt that this singular situation, in which the creator of the rule of law is also its direct object, is less favourable to the development of a legal system which is "balanced", whether as regards its normative scope or the material content of its rules. It is no secret that the intensity and the object of the "legislative" actions of the subjects of the international legal order are too often still directly dependent both on the power and the interests of each of those subjects, or of the groupings that they form according to various criteria. International law, not yet a law of solidarity, remains simultaneously heterogeneous and fragmentary.

Here, therefore, is a further difficulty and a challenge for an international court, whose work in the service of peace is entirely dependent on the application of that law. However, I would add that, by a kind of paradox, this handicap under which the international judicial function labours at the same time confers upon it a quite specific social role. Indeed, since the subjects of international law are concurrently the creators and the objects of the rules of that law, in the vast majority of cases, it falls to them to interpret and apply those rules themselves. This being so, it seems somewhat unusual to submit legal disputes between them to a third party. When an international court is called upon to settle such disputes, its decision is thereby thrown into even sharper relief. All the actors on the international stage are then affected by the decision rendered, even if that decision is formally binding on the parties alone. This decision is all the more eagerly anticipated and then scrutinized as intervention by such a court remains the exception. This is still true even at a time when recourse to international courts is increasing, as it is for the International Court of Justice at present.

Without seeking to enter into doctrinal disputes regarding the incompleteness or otherwise of international law, I must note that, in the field of application of this law, there are quite remarkable contrasts of normative density. Although international law has shortcomings, or just uncertainties, it is undeniable that the weaknesses of the instrument are also inevitably the weaknesses of whoever is called upon to have recourse to it, even if they may also contribute to the importance of its role. I would add that the grey areas of the law of individuals may affect fields that are particularly sensitive for the peace and the future of the world.

The International Court of Justice experienced at first hand the anguish of these grey areas when at the request of the Assembly it considered the question of the Legality of the Threat or Use of Nuclear Weapons. While the imperfections of a legal order may make greater flexibility in the interpretation and application of the rule of law by a court acceptable, or even promote such flexibility, this does not mean that a court can take the place of the legislator. Indeed, the International Court of Justice said as much with the utmost clarity in paragraph 18 of the advisory opinion it delivered on the question I have just referred to, stating that:

"The Court ... states the existing law and does not legislate. This is so even if, in stating and applying the law, the Court necessarily has to specify its scope and sometimes note its general trend."

There are many systems of law which make it an obligation for a court to rule even when the law is silent or obscure, but at the same time prohibit it from legislating. By definition, the law cannot provide for every eventuality. Scarcely is it adopted than the courts are faced with a thousand and one problems. The function of the courts consists, precisely, in translating the law into action by imbuing themselves with its spirit, by applying its general precepts to the particular circumstances with wisdom and discernment and, in cases which it has not resolved, by completing the law through so-called doctrinal interpretation. The administration of justice would clearly be impossible if courts were to refrain from ruling whenever the law is obscure or incomplete. What, on the contrary, courts are forbidden to do, because this does not fall within their functions, is to interpret authoritatively, in other words to reply to the essential doubts — or even to a legal vacuum — by creating a new norm. The creative power of courts, as expressed in their jurisprudential function, is in a relation of dependency as regards the various formal sources of law. It has sometimes been said that courts must compensate for the shortcomings of the law but cannot fill the lacunae of the law. When the law itself makes it impossible to reply in whole or in part to a question submitted to a court, the court's duty consists in and is limited to registering that state of affairs, however disappointing this may seem.

By virtue of the very structure of international society, only States, in an elevated and responsible conception of their sovereignty, can remedy such a situation by speeding up the construction of international law. In this respect, the International Court of Justice can but hope for an expansion and an improvement in the legal bases of its function. Pending that development, the Court's task may in many ways appear thankless but this does not mean that it therefore ceases to be useful — far from it.

In order properly to assess the contribution of courts to social peace, it is not enough to take into consideration the potentialities or the limits of the rule of law which it is their task to apply. For indeed there are other characteristic elements of the judicial function which, although elementary, are nonetheless fundamental: Regardless of the legal order in which they operate, courts can act only when requested to do so and, as a rule, they only intervene *a posteriori*.

Courts are always seized of a matter; they never seize themselves of it. In this respect particularly, their function is distinct from that of the executive. Although that is the well-established principle, the ease with which courts may be seized of a matter as well as the effects of the seizure, nevertheless vary appreciably from one legal order to another.

In this respect too, access to courts in highly integrated societies is almost automatic. Not only are courts competent *a priori*, but if the interests of society as such are challenged, society has adequate means at its disposal for initiating corrective measures, by itself seizing the courts of a matter by taking legal action. In the international order, however, there is nothing comparable. Respect for the sovereignty of States is echoed in the cardinal principle of consensualism. No State can be made subject to the verdicts of courts unless it has already agreed to do so. The International Court of Justice cannot be expected, in the manner of the Security Council, to entertain all the disputes likely to pose a threat to international peace and security. The Court can intervene only at the request of and with the consent of the interested parties. However, this structural limitation, which hampers the Court's action, may be partly removed. Progress towards this end is possible. It probably requires a more permissive approach to the Court's jurisdiction, more limited use of preliminary objections by States engaged in proceedings, a less lax conception of State consensualism and, finally, a clearer perception by all States of the advantages they may jointly derive from submitting their disputes to the Court.

Furthermore, whereas in vertical societies, the rulings of courts are not only compulsory but also enforceable, in the international order, the absence of executive power essentially leaves it to the legal subjects themselves to ensure that legal decisions are respected. The Covenant of the League of Nations and then the Charter of the United Nations sought to offset the potentially dangerous effects of this situation in which self-help prevails. In this respect, Article 94 of the Charter contains a number of weaknesses that must be admitted, such as the fact that intervention by the Security Council is subordinated to a request by one of the parties. Also, the Council is given very wide discretionary powers. It may, says the Charter, act if it deems necessary. However, it gives me pleasure to note that, fortunately, the judgments of the International Court of Justice have in the past been scrupulously respected.

The fact nevertheless remains that the formal limits placed on the seizure of the International Court and on the execution of its rulings render its task all the more difficult when it has to act in a crisis situation. This, therefore, further limits its contribution to the maintenance of peace.

A moment ago I referred to another element of the judicial function, which is as characteristic as it is constant. It is the functions of courts to heal rather than to prevent. Contrary to those of the legislator or the executive, the decisions by which courts perform their functions are decisions *a posteriori*. Contentious jurisdiction presupposes the existence of a dispute and, in most legal systems, the party that appears before a court must prove what is commonly termed an "an existing and pending interest". From that standpoint, the function of courts is more to restore than to maintain peace. The way they function is rendered all the more delicate because, as is the case in international society, this function does not form part of a structure that has an executive machinery. In this respect, the wholly unique nature of the advisory proceedings before the International Court of Justice, whose preventive virtues no longer need to be demonstrated, should be stressed once again.

In addition to these constraints which I have termed "structural" because they are inherent in the function of courts or in the present state of international society, there are some others which are by no means necessary. I refer in particular to all those related to the material resources which society places at the disposal of courts to enable them to fulfil their task. What resources are provided is essentially dependent not just on the prevailing economic situation but also on the prevailing political situation. Indeed, the resources allocated to courts vary markedly from one society to another — and even within a given society, they vary from one period to another — depending on the importance of the role courts are recognized to have in each of those societies and on the resources at their command. Unfortunately, the judge is often the poor relation in our societies, and all too often only through crises highlighting the impecuniosity of the judicial apparatus can the parsimony of the budgetary authorities towards it be overcome. But justice can obviously be sound only if it has a minimum of resources with which to operate, and on a permanent basis.

In its report to the General Assembly it is not customary for the International Court of Justice to mention the material difficulties it encounters in performing its duties. For the first time, it has this year been compelled to do so. The gravity of the situation left it with no alternative. In fact, however, there is nothing strange about this, since Article 33 of the Statute of the Court states that

> "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly".

It was therefore most certainly the Court's duty to draw the attention of the Assembly to a situation which seriously imperils the very discharge of the Court's duties. It is not appropriate for me, in this forum, to go into this matter in detail. It is considered at some length in chapter IV of the Court's report. Suffice it to say here that the Court voices the fear that the reductions in resources required of it are "beginning to curtail its established levels of judicial service" *(A/51/4, para. 185)* and are engendering "delay ... in discharging its duties" *(ibid., para. 188)*. Among other things, the Court states that

> "The reality is that the funding of the Court falls considerably short of what is required for it to fulfil its functions ...
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> "The costs to the Court of ensuring that a case is fairly and impartially heard may not be sufficiently appreciated ... Yet it has always been recognized that the Court cannot render justice without performing those tasks, and it falls to the United Nations to provide it with the requisite means." *(ibid., paras. 189-190)*

I would like to stress that it is a particular attribute of any responsible institution consciously to question the limits imposed on its actions. Such questioning is all the more essential for an institution which, like the judicial institution, performs a crucial social role. Indeed, all the beneficiaries of its work are entitled to know without any ambiguity what they can and what they cannot expect from it. It was in this resolutely constructive spirit that I wished to share these few comments. Let no one see them as betraying any apathy or any pessimism. Quite the contrary, I cannot conceal my outright satisfaction at being able to observe and to state that, notwithstanding all the constraints under which the organ of which I am President has to labour, its activity during the past year has been fruitful as never before.

During the period from 1 August 1995 to 31 July 1996, the Court rendered no less than five decisions in cases of extreme complexity. Contrary to its usual

practice of considering only one case at a time, the Court, in order to bring off this *tour de force*, had constantly to deliberate on an average of three cases simultaneously. In response to the resumption by France of nuclear testing, New Zealand filed a Request for an Examination of the Situation in accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand v. France) Case. After hearings on whether the Request submitted by New Zealand fell within paragraph 63 of the 1974 Judgment, the Court found, in its Order of 22 September 1995, that it did not. It then held three weeks of hearings in October and November 1995 simultaneously on two well-known requests for advisory opinions, one filed by the World Health Organization on the Legality of the Use by a State of Nuclear Weapons in Armed Conflict, and the other filed by the General Assembly on the Legality of the Threat or Use of Nuclear Weapons.

An unprecedented number of States submitted written statements and took part in the hearings on what may be the most important questions ever put to the Court in advisory proceedings. The two Advisory Opinions, which required consideration of exceptionally difficult problems, were rendered on 8 July 1996. While considering these requests, the Court was also seized of a request for the indication of provisional measures in the case concerning the Land and Maritime Boundary between Cameroon and Nigeria and issued an Order on that request on 15 March 1996. The Court also held hearings from 29 April to 3 May 1996 on issues of jurisdiction and admissibility raised in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), and delivered a Judgment on those questions on 11 July 1996.

Finally, since last month the Court has also been engaged in settling the case concerning Oil Platforms destroyed in the Gulf during the Iraq-Iran war, a case between the Islamic Republic of Iran and the United States of America.

In conclusion, I should like once again to stress that the place of the law and of courts in international society can only be consolidated, or even expanded, if members of the Assembly as legislators and we as judges together recognize that this process depends on both respect for the task already accomplished — not to say the legal edifice already constructed — and on the meticulous acknowledgment of the new realities of human society. It is absolutely essential that this twofold condition be met if lasting progress is to be ensured in the development of a true community of law at the international level.

In closing my statement, I should like to voice the simple yet fervent hope that the Court may, against all odds, pursue its exalted work with pride and humility. This hope, I am sure, will be met if all the States represented here with such distinction and the Organization that unites us lend the Court their indispensable support.

Mr. Amorim (Brazil) *(interpretation from French)*: After President Bedjaoui's authoritative analysis of the political, sociological and even philosophical dimensions of international law and its application, it is best to be brief. I will aim to be so.

(*spoke in English*)

I would like to start by thanking the President of the International Court of Justice for his informative introduction of the report on the Court's activity during the year of its fiftieth anniversary. The annual presentation of the report of the International Court of Justice to the General Assembly provides Member States with a unique opportunity to engage in a debate on the work of a principal organ of the United Nations known for its high professional standards. We avail ourselves of this opportunity to express our appreciation for the Court's important contribution to world peace and reaffirm our continuing support for its endeavours.

The increased caseload of the International Court of Justice in the past few years should be greeted as a sign of lasting relevance and renewed vitality. We would like to be able to interpret such a development as growing evidence of respect for international law and interest in judicial settlement as a means for the pacific resolution of disputes. However, it is perhaps still premature to reach such a conclusion.

The danger of a global conflagration seems to have diminished in our present international environment. But the preservation of peace and security has become a task fraught with new and complex challenges, given the recent emergence of a myriad of extremely violent localized conflicts. In discharging its responsibilities, the Security Council has often been pressed to improvise solutions, and in this process insufficient attention has been given to the tools provided by international law as consubstantiated in the Court's Statute.

All Members of the United Nations are, by virtue of their adherence to the Charter, also parties to the Statute of the International Court of Justice. This allows, in particular, for the establishment of a mutually reinforcing relationship between the Security Council and the Court. Whereas for several decades the work of the Security Council was hampered by the politics of bipolarity, the intensification of the Security Council's activity since the end of the cold war would seem to warrant closer cooperation between the organ charged with primary responsibility for the maintenance of international peace and security and the Organization's principal judicial organ.

The development of a closer relationship between the Court and both the Security Council and the General Assembly is worth encouraging as a way of strengthening the rule of law in international relations and giving full expression to the provisions of the Charter. In promoting such a relationship, it is worth recalling the provisions of Article 96 regarding the possibility, open to both the General Assembly and the Council, to request advisory opinions from the Court on any legal question.

Moreover, it has been suggested that, as the cohesiveness of the international community intensifies, the Court may be called upon to examine questions relating to the jurisdictional boundaries between the different organs of the system. Is it possible to envisage a future when the Court might have powers of judicial review over administrative actions or political decisions taken by another principal organ, or is such an evolution too far-fetched to be contemplated? The fact that this possibility was raised during a previous debate under this agenda item is indicative of the fertile ground open for further exploration, which could bring to fruition new and enhanced forms of integration of the main parts of our institutional system.

A landmark opinion was arrived at by the International Court of Justice as regards, *inter alia*, the existence of a legal obligation to negotiate in good faith measures of nuclear disarmament and bring those negotiations to a conclusion. This Opinion constitutes a new term of reference for the international community in favour of nuclear disarmament and provides the General Assembly with a valuable incentive to pursue its own efforts to eliminate nuclear weapons.

I would also like to stress the significance of the Court's action to promote harmonious integration in a part of Latin America which was, until recently, ravaged by strife. I am referring to the Judgment issued by the Court in connection with the land, island and maritime frontier between El Salvador and Honduras. The Court's treatment of this question has made an invaluable contribution to the subregion's stability, helping the two countries to liberate their creative energy to face the challenges of social and economic development while consolidating democracy.

Besides issuing advisory opinions and settling contentious cases, the Court has also demonstrated its ability to function as an effective tool of preventive diplomacy and could well acquire an enhanced role in this capacity in the years to come. The Court will be particularly well placed to promote understanding before passing judgment when it is seen as a partner in settling a dispute at an early stage in the process, rather than as a last-resort alternative.

As pointed out by Judge Mohammed Bedjaoui, whose inspired leadership at The Hague is highly appreciated by my authorities, legal settlement is perhaps more widely supported and more sought after when the international atmosphere is less tense. It is unfortunately also true that disregard for international law continues to threaten stability in many regions, while judicial forms of settlement are still widely underutilized.

Brazil has decided to present the candidacy of one of its most illustrious sons, a specialist in international law and diplomacy, a former Foreign Minister and at present a Supreme Court Justice, to one of the vacancies in the Court. This decision reflects my country's belief in the Court's central standing within the institutional framework of the United Nations, as well as its desire to help promote an effective international legal order in a world scenario which offers new hopes for peace and understanding among nations. This decision represents an expression of faith in the future role of the Court and a determination to participate to the best of our ability in strengthening multilateralism.

The President: I should like to propose that the list of speakers in the debate on this item now be closed.

It was so decided.

Mr. Fernández Estigarribia (Paraguay): Allow me, first of all, to express our appreciation for the introduction to the report by the President of the International Court of Justice. I wish sincerely to congratulate him for his excellent work at the head of our world Court, which is celebrating a half century of existence. Similarly, I wish to extend our congratulations to the other Judges of the current Court and to pay tribute to former Judges who laid down many rulings and opinions in the voluntary, effective and conscious exercise of their intellectual and moral independence.

Paraguay accepts international law as part of its national legislation and its Constitution embodies international justice as the ultimate resource for solving international conflicts. Therefore, inspired by our desire for peace and by the loftiest ideals of the United Nations, Paraguay decided a few days ago to contribute to ending the scourge of war and to cooperate in the peaceful settlement of international disputes by proceeding to deposit with the Secretary-General of the United Nations its instrument of acceptance of the compulsory jurisdiction of the International Court of Justice in The Hague. The Government of Paraguay's decision to accept voluntarily a new jurisdiction was the result of prior consultation and received the support of the main political forces of my country. This was yet another demonstration of the efforts of Paraguayan society to link itself firmly to the best of universal civilization.

We are living in a world in which events are occurring that would have been unimaginable just a short while ago, major political changes in international relations that prompt us to rethink international law. There is talk of supranational integration, the establishment of ad hoc international courts to judge certain crimes, such as genocide, and the possibility of establishing an international criminal court. All this obliges the international community to reassess the management of the main judicial body of the United Nations in its advisory and litigatory functions in the settlement of international controversies by peaceful means.

At the same time, we note with some concern that, in recent years, the increase in the number of States Members of the United Nations accepting the compulsory jurisdiction of the International Court of Justice is not significant in relation to the appreciable increase in the number of United Nations Members since its foundation. We therefore hope that more States will accede to the optional clause of the Statute of the International Court of Justice, accepting without further reservations the compulsory competence of the Court, which Mr. Eduardo Jiménez de Aréchaga quite rightly called the most important and comprehensive multilateral judicial agreement that exists at the present time.

Ever since the United Nations was founded, respect for international law and its gradual strengthening have been the pillars of its structure. Therefore, we optimistically support the future work of the International Court of Justice in living up to the challenges we face at the end of this century. We therefore agree with Arnold Toynbee, writing in the prologue to Kurt Breysig's *History of Mankind* when he says:

> "In the brief span of a lifetime, modern technology, eliminating distance, has suddenly merged all of the inhabited world into one single whole. All peoples and cultures, all pious communities on Earth for the first time in history live in close mutual physical contact. However, we continue to be as far apart from one another mentally as before, because the hearts and the sensitivities of mankind cannot keep pace with mechanical discoveries. This means that we are entering the most dangerous phase mankind has ever had to brave. We must live in very close contact with one another in order to get to know each other better."

Today, while forces from many parts of the world and of different beliefs strangely coincide in relentless criticism of the United Nations, we prefer, almost humbly, to tell them that they are wrong and to reaffirm, to the contrary, our faith in law as an element of superior coexistence so as to offset once again the dangers cited by the great philosopher of history. This could be another inspiration for the work of the Court in The Hague.

Mr. Martini Herrera (Guatemala) *(interpretation from Spanish)*: I have the honour of speaking on behalf of the five Central American countries: Costa Rica, El Salvador, Honduras, Nicaragua and Guatemala.

This is the third time that I have had the privilege in this Hall of listening to a statement in which Mr. Mohammed Bedjaoui, President of the International Court of Justice, has commented with his well-known and admired brilliance and erudition on the annual report of the Court. His comments, which we appreciate, will be very useful in all our work, but particularly so given the report's necessarily technical and formal nature. We are extremely grateful to President Bedjaoui for having added

to his comments on the report, as has been customary for him and his predecessor, interesting ideas about general aspects of the work and role of the Court.

Like any national community, the community of nations cannot, as Grotius so eloquently noted, exist without a legal system to govern relations among its members. *Ubi societas, ibi ius.* In any community, whether national or the community of States, the better and more developed the legal system in force is, the more certain peace among its members will be and the greater progress of all kinds the community will be able to achieve.

Nonetheless, it is difficult to conceive of a community whose legal system has no organ which in some way exercises judicial or similar functions. No set of legal rules, no matter how perfect, can be implemented without generating disagreement between the subjects governed. The inability to settle such disagreements is incompatible with the proper functioning of the corresponding legal system. Admittedly the disagreement can be solved by non-judicial means, but such methods are generally not comparable to judicial process. In addition, unlike judicial process, they have the drawback that they do not contribute to the necessary improvement of the system through the interpretation of its rules and the elimination of its loopholes.

Even though a judicial body exists — the Court whose report is before us — the legal system governing the community of States is basically greatly inferior to those inside the entities that comprise the community. As a result of this situation, international law has, conceptually, been placed at the "vanishing point" of the legal system. This is a reflection of several factors of equal significance. Some of these factors are substantive, such as the imperfection of many of the rules of international law and the loopholes that arise therefrom. Another factor is the lack of adequate penalties, including an effective and satisfactory machinery that would, in every appropriate case, make it possible to ensure enforced compliance with such rules. A third factor of equal importance — and one that I wish to address here — is the fact that no State can oblige another State without its consent, in settlement of a dispute between them, to submit to a judicial body that can make a decision binding on both parties.

Clearly, some groups of States have established, in the framework of regional unions, incipient federalist systems with bodies that can make binding decisions on the settlement of disputes between their members. However, such States are few in number and such bodies operate within strict limits, dealing with issues such as the Convention on the Law of the Sea. Each State member of such a union also needs a central judicial body of universal competence to which disputes with States that do not belong to the union can be submitted.

If the financial crisis of the United Nations were to have an adverse impact on the quality of the work of the Court, or if States suspected that this might eventually happen, they might become reluctant to turn to the Court. For practical purposes, this would be tantamount to the disappearance of the institution. The same problem might occur if the financial crisis were significantly to undermine the functioning of the Court. I might add that if, as the result of such a situation, the hands of the Court were tied, as has happened in the past, the financial resources that it consumed, while they might be lower than at present, would effectively be wasted.

If the International Court of Justice were to cease functioning effectively, the international legal system would seriously deteriorate and backslide spectacularly. States would find themselves in a situation similar to that which existed before 1922, when the Permanent Court of International Justice — the venerable predecessor of the present Court — was established. If this were to occur, the only recourse of States wishing to resolve their disputes through binding decisions would be the institution of ad hoc arbitration tribunals. As we all know, while these continue to be available to any State that wishes to use them, for well-known reasons their work is inferior to that of a permanent central tribunal like the International Court of Justice.

For all these reasons, my delegation is deeply concerned about the serious difficulties that the Court is experiencing as a result of the financial crisis of the United Nations. The gravity of the situation for the Court is underlined by the fact that this is the first time that its report to the General Assembly refers to financial problems.

As they have been throughout the current decade, the volume and quality of the work in the period covered by this report are truly impressive. The tasks currently facing the institution will require efforts that are no less intense. One example, among several that I could mention, of the intensity with which the Court works is that, having issued two Advisory Opinions on 8 July 1996, the Court then issued a ruling on 11 July. We admire the dedication of the members of the Court. This was surely achieved with a great deal of effort and stress.

I also wish to emphasize that there are currently several new issues on the Registry of the Court that raise complex and delicate questions. It is in the interests of the international community as a whole that they be resolved.

My comments may have seemed to be elemental or not very original. However, we believe that such matters should be taken into account if we are to appreciate the seriousness of the danger facing the international community arising out of the difficulties being experienced by the International Court of Justice as a result of the financial crisis of the United Nations.

We must find a way of ensuring that this crisis does not undermine the functioning of the institution, which, although it consumes less than 1 per cent of budgetary resources, is extremely useful to the international community.

Mr. O'Hara (Malaysia): My delegation would like to thank the renowned and illustrious Judge Mohammed Bedjaoui, President of the International Court of Justice, for his statement, in which he referred, *inter alia*, to the report of the Court to the General Assembly. However, we regret that the report was circulated for our consideration only today. We hope that, in future, steps are taken to ensure that the report is circulated in a timely manner so as to afford delegations ample time and opportunity to analyse it. In the short time that we have been given to peruse the report, we find that its composition and structure are very similar to those of the reports of previous years. Nevertheless, we congratulate Judge Bedjaoui on his lucid presentation of the issues facing the Court. We are indeed fortunate to have a jurist of Judge Bedjaoui's standing and calibre presiding over the Court.

My delegation wishes to take this opportunity to express sincere condolences to the family of the late Judge Andrés Aguilar Mawdsley and to extend congratulations to Judge Gonzalo Parra-Aranguren, who was elected to serve the remainder of the late Judge's term.

It is very disquieting to note the present difficulties of the Court as articulated in chapter IV of the report — in particular, that the Court has been placed under exceptional strain during a period in which the staff and resources of its Registry have been subjected to severe cuts. We wish to express concern that, at a time of substantial recourse to the Court by States and international organizations, staff and budgetary reductions are inevitably beginning to curtail its established level of judicial service. While we wholeheartedly support the cost-cutting measures being undertaken by the United Nations, we call upon the Organization to ensure that the Court is given funds sufficient for it to continue to function as the premier judicial body in existence today. Clearly, this state of affairs could have been avoided if all Member States had paid their contributions promptly, in full and without conditions.

My delegation notes that there has been increasing recourse to the Court by Member States over the years. This is a positive sign that augurs well for the future of the Court. The Court, in carrying out its entrusted functions, must never lose sight of its representative character. In handing down decisions and opinions based on international law, it can and must play the role of an equalizer of divergent and contrary interests.

In early July this year, the Court handed down its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons. My delegation welcomes this Advisory Opinion, which was delivered in response to General Assembly resolution 49/75 K. Malaysia and 21 other countries submitted separate written and oral submissions to The Hague. Malaysia views favourably the decision of the Court that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.

In the view of my delegation, this Advisory Opinion was a major and positive development in the overall context of nuclear disarmament. We view favourably the positivism of the Court when it held that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. My delegation considers this to be an important development in the general disarmament process.

To provide further impetus to the Court's Advisory Opinion, the General Assembly should collectively work towards the process of nuclear disarmament. Malaysia and other like-minded countries are initiating a follow-up draft resolution to the Advisory Opinion of the Court. My delegation salutes the Court for this courageous legal opinion on a very controversial manner. This Opinion of the Court has, in the view of my delegation, reinforced the faith of the international community in the integrity and in the important role the Court plays in the international system.

The Court, given its dual mandate — to decide in accordance with international law the disputes referred to it by States and to give advisory opinions on questions submitted to it by duly authorized international organs and agencies — has an important role to play in the promotion of peace and harmony among the nations and peoples of this world. The processes provided for under the Statute of the Court advance the rule and role of international law. However, much still remains to be done before full respect for the law that regulates relations among States can be achieved.

My delegation has always expressed its confidence in the role and the work of the Court. However, my delegation is of the belief that the Court has yet to realize its full potential. Article 92 of Chapter XIV of the Charter states that the Court is the principal judicial organ of the United Nations. Yet the utilization of the Court by the Security Council and the General Assembly is still limited. We call upon the General Assembly and the Security Council to consider utilizing the Court for the purpose of interpreting the relevant and applicable law. We would also urge that controversial decisions be referred for review by the Court.

As the United Nations enters its fifty-first year, it has become increasingly clear that it needs revamping. In line with this position, we would further submit that there is an obvious need for a review of the role and composition of the Court, given its fundamental importance as the principal judicial organ of the United Nations. The Security Council and the Court were established as the United Nations principal organs, and therefore there are undoubted linkages between them. Both these organs, with their important roles, should be representative of today's global community. As we continue in our efforts to reform and restructure the Security Council, it is equally pertinent to review the composition of the Court as well.

In this context, my delegation is of the opinion that the views expressed by some permanent members of the Security Council that their rights, status and prerogatives cannot be altered is inconsistent with the basic principles embodied in the Charter. The position of some of the permanent members that they should be allowed to assume similar rights in other organs of the United Nations is even more unacceptable to my delegation in view of the fact that the Charter does not so provide. The international community has an obligation to itself and to future generations meticulously to scrutinize the credentials of aspiring candidates to the Court, rather than endorsing them on the basis of geopolitical considerations.

This brings me to the next item: the forthcoming elections. On 5 February 1997, the terms of office of five members of the Court will expire. It is therefore necessary at this fifty-first session of the General Assembly to elect five judges for a term of office of nine years. Even though Article 13 of the Statute of the International Court of Justice enables members to be re-elected, Malaysia would like to point out that it is necessary that the body as a whole be representative of the main forms of civilization and that the principal legal systems of the world be reassured. This is the first step that all States should take to ensure the revitalization of the United Nations system.

We thank the five Judges who will be completing their terms of office for the dedicated and invaluable service rendered to the Court and the world community. We extend to all those standing for election, including those seeking re-election, our wishes for success.

In conclusion, it is vital that the role and composition of the Court be re-appraised within the context of the review and reform of global institutions. The current collective drive to reform and revitalize these institutions, including the Court, should be given further impetus. A revitalized Court can play its role more effectively in the advancement of international law and justice and we look forward to a more dynamic, vibrant and revitalized Court for the future. Finally, we wish to reassure the Court of our continued cooperation and support for its work during the coming year.

Mr. Baali (Algeria) *(interpretation from French)*: Allow me, before making a few general comments on the report and role of the International Court of Justice, to perform the very pleasant duty of paying a well-deserved tribute to the President of the International Court of Justice, Mr. Mohammed Bedjaoui, a diplomat, jurist and statesman with exceptional professional, moral and human qualities, who has left a very clear stamp on the history of international relations over the last four decades. I am proud, like other diplomats and leaders of my generation in Algeria, in Africa and elsewhere to have been his humble disciple.

Mr. Samhan (United Arab Emirates), Vice-President, took the Chair.

I therefore cannot forgo the pleasure of welcoming him here today and, through him, the other members of the Court, to whom I am pleased to convey my country's

gratitude for the competence and honesty with which they administer the law and serve justice.

Given the new challenges of these final years of our millennium, the International Court of Justice today, half a century after its founding, has become the body to which States, both large and small, and international organizations are turning increasingly to seek justice or to request the Court's authoritative opinion on disputes, differences or legal problems that arise or create differences between them, convinced that the only valid and lasting solution is one based on law.

The comprehensive and brilliant statement by President Bedjaoui on the activities of the Court and its role in international affairs reinforces that feeling and also confirms the growing role of the Court in the settlement of differences between States. In the context of building the new world order, the increased activities of the Court in recent years appear to signal the beginnings of a new and very promising phase in the Court's life. The abundant record of that 50-year-old legal body is already a very positive one and amply demonstrates its ability to meet the new challenges it is facing.

Each time the Court has taken up a dispute or handed down advisory opinions, and whatever the standing and power of the protagonists, the International Court of Justice has always calmly proceeded to enunciate nothing but the law. That is the record of the 50 years of its continued activities, and more specifically it is the record of the past three years, during which the Court has considerably stepped up its work rate and has taken decisions on an infinitely greater number of disputes or legal problems in which its jurisdiction has been sought. We must, however, note that the potential inherent in the Court is still clearly underutilized. The Court has on every occasion demonstrated that it was able to resolve conflicts that had resisted all other means of peaceful settlement of disputes employed hitherto and that it was "the" final recourse.

The various substantive judgments rendered in several border disputes that had been sources of overt or latent conflicts between fraternal African countries, such as, *inter alia*, the dispute between the Libyan Arab Jamahiriya and Chad over the Aouzou Strip, are examples of the positive and salutary role the Court can play if States can only resolve to entrust matters to it.

On the other hand, and notwithstanding the advisory role given to it by Article 96 of the Charter, the Court has been doomed to relative inaction. The opportune initiative taken by the General Assembly to request an advisory opinion on the legality of the threat or use of nuclear weapons may perhaps, we hope, put an end to this period of timidity and groundless reticence on the part of the Assembly to exercise a right entrusted to it under the Charter. Algeria would like to take this opportunity to express its appreciation to the Court for having issued an opinion on such an important and sensitive matter. It also reaffirms its satisfaction at the advisory opinion handed down on 8 July 1996, which we feel reinforces the international community's appeal for universal, non-discriminatory nuclear disarmament. We believe that that advisory opinion by the Court is an important legal precedent and a major basis for the development of international law in this area and that it will serve the cause of world peace and security.

In addition, the contribution made by the International Court of Justice to the maintenance of international peace and security is very significant, as shown by the increasingly frequent recourse States are having to its services as well as by the good-faith execution of its decisions.

The major issues on which the attention of the Organization is focused today, whether we are talking about the principal themes of the Agenda for Peace, the democratization of United Nations structures and their functioning or improving the Organization's effectiveness, represent a movement, at present relatively limited, in which the Court should legitimately be concerned and, we think, involved.

The international realities of the post-cold-war era do afford the Court new opportunities, required as it is to reassess its role and future action and to adapt itself to the new realities so that it may continue to play the special role entrusted to it within the United Nations and in international affairs.

In this context, the imperfections of the system designed in San Francisco, of which the most striking examples are its lack of a true international legal power and of a means to monitor the constitutionality of the actions of the Organization's principal bodies, should, in this era of reform, encourage us to enter into an in-depth discussion of the appropriate ways and means to remedy the salient deficiencies of the system and give a new lease on life to the rule of law.

In carrying out this vast undertaking and strengthening the role and action of the Court, the

political will of States remains the prerequisite without which nothing can be either done or undone. Given the financial difficulties of the Court, which could hamper its activities at the very time it is being called upon to increase their scope, we hope that it will find here in the Assembly the support and understanding it is entitled to expect.

Algeria is fully prepared to act to strengthen the role of the Court and the rule of law, convinced as it is that the alternative, that of strengthening the rule of force, is a much worse choice.

Mr. Tello (Mexico) *(interpretation from Spanish)*: I would like to take this opportunity to express to Judge Mohammed Bedjaoui, President of the International Court of Justice, our appreciation for the report on the Court's work he has presented to the Assembly. As usual, his comments have enriched our debate.

I should also like to express our sorrow at the death on 24 October 1995 of Judge Andrés Aguilar Mawdsley, an illustrious Venezuelan and Latin American jurist, who made such a decisive contribution to the cause of law.

We welcome the fact that the initiative taken by Mexico in 1991 to promote dialogue between the International Court of Justice and the General Assembly is proving productive. A growing number of States feel that the submission of the Court's report to the Assembly is more than a mere autumn ritual. For us, it is an opportunity to strengthen understanding and cooperation between two of the principal organs of the United Nations.

It is precisely to enable this dialogue to become more effective that it is essential for the Court's report to be issued sufficiently in advance of its consideration by Member States. On several occasions we have urged the Secretariat to ensure that the documentation is available in accordance with the arrangements now in force. Today we reiterate that appeal, and we express our concern at the very belated publication of the documents that are the basis of our deliberations.

In the course of this year, the International Court of Justice rendered two advisory opinions on matters of the utmost importance to Mexico because they concern the very survival of mankind. I am referring to the opinions on the Legality of the Use by a State of Nuclear Weapons in Armed Conflict and the Legality of the Threat or Use of Nuclear Weapons. My country took an active role before the Court during the proceedings relating to these cases. Not only did it file written statements on each case, but it was also represented at and participated in the hearings held by the Court.

Mexico's position concerning the opinions delivered by the Court is contained in document A/51/220, distributed as a working document of the General Assembly. I will therefore confine myself here to emphasizing three elements which we believe are particularly important. First, we welcome the fact that the Court emphasized the universal applicability of the fundamental rules of law concerning armed conflicts. And we in turn wish to stress that among these fundamental rules none is more important than the principle that the rules of international humanitarian law should be fully applied in all circumstances. Secondly, the Court determined that the threat or use of nuclear weapons in general would be contrary to the rules of international law applicable in armed conflict, and in particular to the principles and rules of international humanitarian law. Thirdly and lastly, the Court unanimously affirmed that all States have an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In accordance with the conclusions of the Court, Mexico will continue and intensify its efforts so that nuclear disarmament can become a reality in the near future.

This year we are celebrating the fiftieth anniversary of the International Court of Justice, an institution which was established as the result of the belief of States that only respect for the fundamental rules of law could guarantee peace. We believe that this significant anniversary provides an appropriate framework within which to start thinking about the prospects, on the eve of a new millennium, for the major judicial body of the United Nations. For 75 years the legal context for the judicial resolution of conflicts between States has not changed. Making only procedural changes, the International Court of Justice has preserved the system it inherited from its predecessor, the Permanent Court of International Justice. We believe that it would be desirable to undertake an evaluation of the way in which we have been applying the statute of the International Court of Justice as well as possible ways of strengthening the role of this body in the world of today and tomorrow.

In the context of the work of the Special Committee on the Charter of the United Nations and on Strengthening the Role of the Organization, Mexico has pointed out that it is necessary to examine ways of revitalizing the Court, a body which is not a subject of

consideration in any of the Working Groups involved in the reform and modernization of the United Nations.

In addition to the need to increase the number of authorized advisory entities, including those advising the Secretary-General, we believe that the Court could be strengthened by the revision of its membership, in the light of the criteria established in Article 9 of its Statute. This article stipulates that, in electing members of the Court, the electors shall bear in mind not only that the persons to be elected should individually possess the qualities required, but also that in the body as a whole the representation of the main forums of civilization and of the principal legal systems of the world should be assured. We believe that a better application of that criterion would strengthen the membership of the Court. At the present time there are regions that are under-represented. These include Latin America. The criterion of the representation of the principal legal systems of the world seems to be increasingly neglected and not to play an important role in the election process. To the extent that all the major legal systems are represented on the Court, its acceptance as a universal organ imparting justice and promoting respect for the rules of international law will be strengthened.

We have mentioned some issues which in our opinion could affect the revitalization of the Court, but this should not be interpreted to mean that there are not other equally important issues. We urge States to take advantage of the context of the fiftieth anniversary of the Court's establishment to promote and — through such bodies as the Special Committee on the Charter — participate in deliberations leading to the adoption of measures to increase the contribution of the Court to the peaceful settlement of disputes and the development of international law. We respectfully invite members of the Court to state their views on ways of expanding the role of that body in the coming century, because we are convinced that their comments will prove very useful in future decision-making.

Mr. Rebagliatti (Argentina) *(interpretation from Spanish)*: Allow me, on my own behalf and on behalf of my delegation, to welcome the President of the International Court of Justice, Mohammed Bedjaoui. We are pleased that the General Assembly again has the opportunity to make contact through him with the International Court of Justice and to examine the progress of its work. This periodic contact is of the utmost importance. It reflects the interest of the General Assembly in the activities of the Court. It is also an example of the close cooperation that should prevail among the principal organs of the United Nations so that it can attain its objectives.

I would like to take this opportunity to express my Government's gratitude for the productive work carried out by the members of the International Court of Justice.

In particular, I wish to pay tribute to the judges from Latin America and the Caribbean. Invariably, my region has contributed its best jurists to this lofty tribunal. I must recall here its former President, José María Ruda, in whose honour Argentina created a special prize in the framework of the United Nations Decade of International Law.

A few months ago the international community commemorated in The Hague the fiftieth anniversary of the inaugural session of the International Court of Justice. The ceremony provided a special opportunity to consider the quality and significance of the extensive activity of the International Court of Justice during its first 50 years.

The volume and vital importance of its decisions attest to the vitality of this body to which, since its establishment, States have entrusted questions related to the major and most varied contemporary problems. The more than 80 judgments and advisory opinions are eloquent testimony to the work of the Court. Well-known judgments and advisory opinions such as those on South-West Africa, the delimitation of the continental shelf in the North Sea, fisheries and so forth show, *inter alia*, the important contribution that the International Court of Justice has made to the settlement of disputes of key relevance.

The recent questions submitted to the Court include topics that are crucial to international peace and security such as the crime of genocide or the legality of the threat or use of nuclear weapons, the implications of which are being considered at the moment in another part of the General Assembly. The Advisory Opinion of 8 July this year surely brought together different currents of opinion both within and outside the International Court of Justice, and particularly in the General Assembly. Accordingly, it is an obvious challenge for doctrine, and particularly for Member States, with respect to the gradual development of international law which they are obliged to review. All this, in brief, shows the renewed confidence felt at the international level in the authority, integrity, impartiality and independence of the Court.

The increasing vitality of the International Court of Justice is also reflected in the submission of proposals to strengthen its future role as the main judicial body of the international community organized in the United Nations.

Proposals have been made *inter alia* to strengthen and expand its competence in disputes and its advisory role, particularly by authorizing the Secretary-General to request an advisory opinion from the Court. Initiatives such as these, designed to strengthen the Court's capacity in the peaceful resolution of disputes, deserve thorough analysis by Member States. The Argentine Government is committed to this effort. Therefore, we believe that for the best understanding and proper consideration of the work of the Court and possible expansion of its competence, this plenary should give due time and attention to considering the report. We trust that at the next session of the General Assembly we will receive the report sufficiently in advance to have time to consider it properly.

At the commemorative ceremony at The Hague I mentioned earlier, President Bedjaoui reiterated the promise that President José Gustavo Guerrero formulated on 18 April 1946 to maintain the prestige and authority of the Court, and he renewed his commitment to carrying out the future work of the Court with the backing of its authority and the maturity it has acquired.

We welcome the renewed promise made by President Bedjaoui and, at the same time, we renew our commitment as a Member State to remain faithful to the principle of the peaceful settlement of our disputes.

Mr. Slade (Samoa): My delegation appreciates the report of the International Court of Justice, for which we thank and compliment the President of the Court. We find the report to be clear and sufficient in detail. In particular, I would like to thank President Bedjaoui for introducing the report and for his welcome and very substantial exposition on the Court's contribution to the maintenance of peace.

It is clear from the report that the Court is fulfilling its role as the principal judicial organ of the Organization, a role that is widely accepted. Samoa's own experience as an observer and as a participant in the Court's proceedings bears this out. The Court today has an acknowledged place in the United Nations system, and in the peaceful settlement of international disputes.

Compared to the situation in the late 1960s, when few States appeared to want to use it, the Court in recent years has tended to have a crowded list of 10 or more cases, attracting parties from all regions, including our own in the Pacific.

Greater use of the Court has been advocated by the Secretary-General, by successive Presidents of the Court and by many speakers from this podium. It is gratifying that we are moving in this direction. It is a development to be encouraged.

States now seem ready to submit, and to entrust, to the Court disputes concerning a wide range of activities. It is evident from the report that the range of cases and the complexity of subject matter are considerable, even daunting. It is fair to say that this trend will be greatly assisted by growing confidence in the fairness and soundness, and in the timeliness, with which the Court hands down its judgment.

There is particular satisfaction at greater use of the Court when viewed in the context of the United Nations Decade of International Law, during which special attention will be given to the role of the Court in settling inter-State disputes, and more particularly, the Court's role as an instrument of preventive diplomacy, especially through its advisory opinions.

Resort to the Court and its facilities will undoubtedly bring particular problems. Inevitably, for one, there will be delays in disposing of cases submitted to it. Other likely difficulties — indeed other difficulties now being experienced — are detailed in chapter IV of the report.

It would appear from the account given in chapter IV of the report that the manner and quality of management by the Court of its caseload, in the light of its resources and time, might well be one of the most important and basic problems to be resolved. It would seem to my delegation to be an issue perhaps deserving closer analysis.

The Court, of course, must function in a changing world. As an integral part of the United Nations, it is inevitable that the Court, too, must undergo adjustment and change. My own delegation is very firmly of the opinion that any reforms of the Court must be aimed at strengthening the Court, its structure and procedures, as well as the provision of adequate resources for its proper and effective functioning.

We think that the membership of the Court and the tenure and method of election of judges could well

benefit from further consideration. This is a matter that has been referred to by a number of previous speakers. Similarly, serious consideration might be given to extending the Court's advisory procedure to the other United Nations organs and entities not currently provided for under the Charter. Further, access to the Court cannot continue to be restricted to nation States.

Acceptance of the Court's jurisdiction is of course the fundamental issue. More has been written on jurisdiction than perhaps on any other aspect of the Court's functioning.

My own delegation believes that compulsory third-party jurisdiction is necessary for the proper application of the principles of the rule of law at the international level. The law should be capable of being authoritatively declared and expounded. It should be done by a judiciary that is completely independent. It should be done in a court before which nations can be compelled to appear.

What seems clear though is that States have their own political perceptions which determine their attitude to increased acceptance of the Court's jurisdiction. It probably is the case that no amount of legal inventiveness will change deep-rooted, political positions on — even opposition to — binding third-party settlement. Therefore what probably matters more in the long run is that, with increasing use of the Court, this trend will be encouraged more by the merits of the Court's own performance, in terms of the fairness, soundness and expedition of the Court's procedures and judgments.

In this respect, may I say that my delegation expresses the highest compliment to the Court on its historic Advisory Opinion on the question of the Legality of the Threat or Use of Nuclear Weapons. It is a profoundly important measure of advice from the International Court of Justice, in essence because of the important and very significant perspective it provides — the correct perspective in my delegation's opinion — on commitments to total disarmament and the obligation to negotiate all aspects of nuclear disarmament.

At a later time we will have occasion to express ourselves in greater detail on the Court's Opinion. But let me say here that the Court's judgment and Opinion of 8 July 1996 on that question has been universally welcomed and has given reassurance of its outstanding role in upholding the primacy of international law.

Mr. Amer (Libyan Arab Jamahiriya) *(interpretation from Arabic)*: May I at the outset join previous speakers in welcoming the President of the International Court of Justice, who has presented the report on the Court's activity for the past year. My country is grateful for the renewed opportunity for the General Assembly to consider the report of the Court in order to reconfirm its authority in promoting the primacy of, and ensuring full respect for, international law.

Respect for the rules of international law and heeding those rules has been, and continues to be, among the principal commitments of the Libyan Arab Jamahiriya. Proceeding from this, my country has invoked the Court in more than one case and has implemented the judgments of the Court in all cases, including those that were against its interests. I would refer here to the judgment on the border dispute between the Libyan Arab Jamahiriya and Chad.

My country also submitted to the Court the dispute between it and certain Western States known as the Lockerbie issue, believing that the Court is qualified to settle that dispute. Logic would have suggested not resorting to the Security Council until the Court had its say. Unfortunately, the States concerned did not await the Court's judgment. Instead, they politicized the entire dispute, sought to involve the Security Council, and made it adopt resolutions against the Libyan Arab Jamahiriya leading to unjust sanctions from which the Libyan people and neighbouring States continue to suffer.

The Libyan Arab Jamahiriya did not object to bringing to justice those accused of being implicated in the incident involving the United States aircraft over Lockerbie. However, we believe that the dispute between us and the Western States concerned is limited to the place of judgment. While the States concerned insist on trial in either Scotland or the United States, the Libyan Arab Jamahiriya believes this insistence to be intransigent and unjust.

Libyan legislation does not allow the extradition of its citizens to foreign courts. There is no convention for extradition between us and either of the two States. Therefore we can either await the Court's judgment or agree to a compromise, which would be to conduct a trial at the Court's seat in The Hague with Scottish judges and under Scottish law.

The two accused have agreed to appear before the Court at its seat in The Hague and the Libyan Arab

Jamahiriya has so informed the Security Council. My country's position is testimony to our respect for international legitimacy as well as our flexibility in dealing with this problem. It is a position that has been supported by many international organizations including the Non-Aligned Movement, the Organization of the Islamic Conference, the Arab League, the Organization of African Unity and members of the Security Council itself.

In conclusion, I cannot fail to reaffirm that my country has full respect for the International Court of Justice and we have great hopes in its role in making international law prevail, particularly at a time when some States are attempting to impose the right of might and to use might as a means of achieving hegemony, and one State is attempting to place itself above international law by adopting extraterritorial legislation which it seeks to apply to individuals and entities under other jurisdictions. This is a violation of international law and disregards its rules as well as all conventions, whether bilateral or multilateral.

Mr. Legal (France) *(interpretation from French)*: My presence at this rostrum might be a surprise, because France traditionally does not speak when the International Court of Justice submits its annual report to the General Assembly. Without intending discourtesy to other speakers, France does not believe that it is for a political organ or its members to comment on the work of a court, especially the principal judicial body of the United Nations.

However, this year we think it necessary to bend that rule to indicate our firm commitment to the idea that the Court should have the resources enabling it to work in conformity with the rules governing it, and in particular with regard to the translation of documents produced by the parties.

The French delegation is concerned at the current situation of allocation of financial resources, especially for translation, which seem insufficient to ensure that certain important documents on cases before the Court are translated into the Court's languages. It might even be said that there is a real risk of crippling the institution. The report of the Court gives a clear, disquieting picture of this unprecedented situation beginning in paragraph 184.

Judge Bedjaoui has convinced us of the seriousness and the urgency of this problem. We are determined that a solution must be found without delay so that the judges can work under conditions in keeping with the rules in force. This is the least that the United Nations can do for what is the highest international court — and the only one whose jurisdiction is universal.

Mr. Benítez Saenz (Uruguay) *(interpretation from Spanish)*: Uruguay has devoted and will continue to devote particular attention to the work of the International Court of Justice. Some years ago, Uruguay had the honour of being able to make a contribution through the presence on the Court of two distinguished judges: E. C. Armand-Ugon and E. Jiménez de Aréchaga.

As a founding Member of the United Nations, since its establishment we have accepted the jurisdiction of the principal international judicial body, and we recognize its Statute as an integral part of the United Nations Charter. This recognition is simply a reaffirmation of the primacy of international law and of our resolute dedication to the maintenance of peace governed by the rule of law, which are pillars of the foreign policy of our Republic. Therefore, we recognize the compulsory jurisdiction of the Court, and we have incorporated this in many international instruments to which we are parties.

In considering this year's report of the Court, we would like to express particular gratitude to its President, Mr. Mohammed Bedjaoui, and to the officials who participated in its drafting, because it gives a detailed picture of the Court's activity during the period under review.

But over and above listing the activities of the Court, the report indicates the vitality, the strength and the international prestige of the International Court of Justice today. In respect of strengthening the Court, at a time when we are considering the possibility of broadening the functions and membership of the Security Council, my delegation shares the concern expressed earlier by some delegations about the possibility of giving the International Court of Justice the power to oversee the legality of the actions of the Security Council and of the General Assembly itself. We recognize that this is a complicated subject; in our opinion it requires further study.

Turning to the report, I cannot be silent about the death of Judge Andrés Aguilar Mawdsley, a member of the Court. His career as a jurist and his outstanding work at the third United Nations Conference on the Law of the Sea reflected his technical ability and the kind of man he was. We share the deep sorrow of his compatriots and his family members.

We note with optimism that some of the cases which required an opinion of the Court on nuclear testing have now been substantively resolved, since most members of the international community have adopted the Comprehensive Nuclear-Test-Ban Treaty (CTBT). But the case we consider most important is the one on the Legality of the Threat or Use of Nuclear Weapons. The request for an opinion from the General Assembly in resolution 49/75 K was processed with the usual guarantees of the procedural rules governing the activities of the Court. We consider that the unanimous opinion that there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons should become the legal and political foundation for greater progress towards total denuclearization. Interested States were able to submit and defend their arguments both in writing and in public oral hearings. The fact that 45 States participated directly in the Court's deliberations clearly indicates the importance that the international community attached to that case, and further strengthened the historic opinion that was adopted.

We trust that both the legal message and the political repercussions will receive the proper reception from States that still possess nuclear weapons.

Lastly, we must mention the difficulties raised by the Court in chapter IV of its report. The statement that the financial crisis of the United Nations is having a serious impact on the work of the Court should be of concern to us all. Recalling last year's report of the Court, we note in that report that even though the financial difficulties of the Organization were widespread, the Court did not feel it necessary expressly to mention them in its report, as it does this year.

In the relevant Committee, my delegation will address budgetary issues carefully. But we cannot be silent here. Controlling the expenditures of the Organization and increasing its efficiency must never mean a deterioration in the work of the International Court of Justice. We must find solutions in this area. We hope that this budgetary situation will not continue.

The Acting President *(interpretation from Arabic)*: We have heard the last speaker in the debate on this item. May I take it that it is the wish of Assembly to conclude its consideration of agenda item 13?

It was so decided.

Agenda item 98 *(continued)*

Operational activities for development

Report of the Secretary-General on the progress at mid-decade on the implementation of General Assembly resolution 45/217 on the World Summit for Children (A/51/256)

Mr. Tello (Mexico) *(interpretation from Spanish)*: On 30 September, a commemorative meeting was held here at Headquarters to review the progress at mid-decade on the implementation of the goals of the World Summit for Children, which was attended by the Ministers of the six convening countries.

At that meeting the Secretary of Health of my country reported on the actions taken and measures adopted by the Government of Mexico to attain the goals established at the Summit. He referred to the progress achieved and to the obstacles we have encountered in the implementation of the National Programme of Action 1995-2000. Today, before the General Assembly, I should like to reiterate my Government's commitment to the well-being of children.

The report submitted by the Secretary-General forms an excellent basis for evaluating the progress we have made in fulfilling the commitments undertaken in 1990 and for identifying the areas where we must redouble our efforts in order to attain the objectives set at the Summit. That report reflects the major progress achieved in various regions of the world, based on the implementation of national plans of action in most Member States.

These programmes of action, based on the framework provided by the Summit, reflect a proven effectiveness strategy. They have accelerated the process of change with a view to the survival, development and well-being of children. Their primary advantage is the inclusion of concrete goals, which enables systematic and periodic evaluations. The national programmes have also succeeded in securing political endorsement at the highest governmental levels as well as the active participation of broad sectors of civil society.

Disease prevention is one of the areas in which significant improvement can be seen in the situation of children. Increased vaccination services, the eradication of polio, the control of disorders due to iodine deficiency, and the promotion of maternal nutrition under

adequate conditions are clearly important achievements. Now the challenge, in many cases, is to maintain what has been achieved.

The report, of course, calls attention to those goals that are far from being attained, such as reducing child malnutrition and maternal mortality. The Secretary-General also emphasizes that the lack of water and sanitation services, as well as illiteracy, are problems that, unfortunately, persist in many countries.

Among the results achieved in my country, I should like to mention the reduction in child mortality, particularly due to diarrhoeal disease and acute respiratory infections; an increase in vaccination coverage; the eradication of polio; and the reduction in other illnesses, such as neonatal tetanus and measles. Other improvements include the iodization of salt, access to basic education, a reduction in school drop-out rates and illiteracy, and broader access to drinking water.

Despite these positive aspects, there are still great social disparities in my country. We will therefore redouble our efforts to consolidate our gains and to extend them to more marginalized areas and populations.

There are also goals towards which the desired progress has not been made. This is true of the reduction in the incidence of maternal mortality and low birth weight; access to information and family planning services for adolescents; the provision of drinking water in remote rural areas and marginalized urban areas; and the provision of sewage services.

Another important challenge for us is to improve the quality of school education and overcome the unacceptable gender differences in the level of school attendance and illiteracy rates. In addition, my Government is concerned about the increasing numbers of boys and girls who are victims of exploitation, physical and emotional violence, abandonment and injustice.

To ensure that the Government's efforts on behalf of children are sustained and to enable us fully to attain the goals set, we are undertaking extensive, in-depth social reform to promote integrated programmes with actions and measures that are more specific and, ultimately, more effective in combating poverty. The Government of Mexico is firmly committed to responding effectively, on a daily basis, to the needs of children.

The 1990 World Summit for Children was widely recognized as one of the great successes of the United Nations. Owing to the major political commitments entered into by the leaders of various countries, which were translated into concrete action, the question of children is now at the top of agendas of individual countries and of the international community.

However, we cannot rest on our laurels, because a great deal remains to be done. With political will and a sense of social responsibility, we must pledge to work towards ensuring that all the Summit's goals become a daily reality as soon as possible, so that all the boys and girls of the world can, as they should, enjoy life, play and prosper without oppression, suffering or want.

The Acting President *(interpretation from Arabic)*: Before calling on the next speaker, I should like to propose, if there is no objection, that the list of speakers for the debate on this item be closed at 4 p.m. today.

It was so decided.

Mr. Tchoulkov (Russian Federation) *(interpretation from Russian)*: The Russian delegation attaches great importance to the discussion by the General Assembly of the mid-decade review of progress on the implementation of the decisions of the World Summit for Children. The Summit, held on 29-30 September 1990, was an important landmark for the international community, providing a strong impetus for national and international activities in this field. This has been confirmed by the development of national programmes of action for children in 155 countries and by the ratification, by 187 countries, of the United Nations Convention on the Rights of the Child.

We welcome the Secretary-General's report on progress at mid-decade on implementation of the goals of the World Summit for Children (A/51/256). The Russian delegation notes with satisfaction the substantial progress made in attaining a number of the goals set at the Summit, particularly in the areas of the reduction of child mortality, immunization, the elimination of iodine-deficiency disorders, the decrease in the number of polio and tuberculosis cases, and the ratification and implementation of the Convention on the Rights of the Child. Unfortunately, as is clear from the report, progress appears slower towards such goals as improving the quality of nutrition, reducing maternal mortality, and providing universal access to basic education, particularly for girls.

The Russian delegation believes that the results of the mid-decade review and the national reports prepared by many countries should be actively used by the United Nations Children's Fund (UNICEF) to modify its targets for the period up to the year 2000 and to adjust, if necessary, its national activities.

In discussing the implementation of the decisions of the Summit for children, one must acknowledge the important role that UNICEF has played and continues to play. I should also like to recall the great personal contribution made by Mr. Grant, former Executive Director of the Fund, to the holding of the Summit and to the implementation of its decisions. We note with satisfaction that the implementation of that forum's decisions is one of the main activities of the Children's Fund, and a high priority for Ms. Carol Bellamy. The Fund has done important work in assisting countries, including Russia, in the preparation of their national programmes of action for children and their subsequent implementation. We deeply appreciate the Fund's activities in the area of the coordination and monitoring of the implementation of provisions of the Declaration and Plan of Action, particularly within the framework of the annual *The Progress of Nations* report and in the area of the development of inter-agency cooperation in this field.

We believe that the Fund's future activities should focus on the implementation of the Convention on the Rights of the Child, the strengthening of countries' national capacity to provide basic social services, and the mobilization of the efforts and resources of Governments, civil society, donor countries and the relevant international organizations in order to attain the goals set by the World Summit for Children.

The President and the Government of the Russian Federation attach great importance in their activities to improving the status of children and implementing the Summit's Declaration and Plan of Action. A mechanism has been set up to formulate and carry out State social policies relating to the protection of the rights and interests of children, at both the national and regional levels. A Commission on Women, Family and Demography has been established at the President's request. The State Duma of the Russian Federal Assembly has formed a Committee on Women, Family and Youth. The Government has also established an inter-agency commission to coordinate activities connected with the implementation of the Convention on the Rights of the Child and the Declaration and Plan of Action for children, which is headed by a Deputy Chairman of the Government.

A set of far-reaching regulatory documents on childhood problems was drafted and adopted. Special mention should also be made of the 1992 presidential decree on priority measures to implement the decisions of the World Summit for Children and the Children of Russia federal programme, which was granted presidential status in 1994 and which sought to create conditions for the normal development of children and to provide them with social protection during a time of radical socio-economic changes and reforms. The Children of Russia programme comprises 11 special-purpose programmes: Disabled Children, Orphaned Children, Preventive Measures for Unattended Children, Children of the North, Children of Chernobyl, Children of Refugees and Internally Displaced Families, Gifted Children, Vaccination Preventive Measures, Safe Motherhood, Family Planning and Promotion of Social Services for Families and Children.

The preparation and adoption of the National Plan of Action for Children, approved in September 1995 by presidential decree, marked an important milestone. The priority tasks of the plan are the promotion of stronger legal protection for children; support for the family as the child's natural environment; ensuring safe motherhood and the protection of children's health; and providing for children's upbringing, education and development, and for their support in especially difficult circumstances. This document has become the basis for concrete action to protect children and motherhood for the coming five years.

The Action Plan on Improving the Situation of Children for the period up to 1998, approved last January, was the first step in the implementation of the national Plan of Action. In order to monitor social indicators regarding the situation of children, an annual State report on the situation of children in the Russian Federation began publication in 1994. Measures aimed at implementing the objectives and principles of the World Summit for Children have been taken at both the national and the grass-roots level. To date, regional children's programmes have been adopted in 50 of the 89 regions of the country.

Russia ratified the United Nations Convention on the Rights of the Child in June 1990. In 1993 we submitted to the United Nations Committee on the Rights of the Child the first report on the implementation of the Convention. At present, we are working on the second report, to be submitted next autumn.

Some improvements have been noted as a result of persistent efforts along these lines. In particular, there is a trend towards a reduction in infant mortality; juvenile infectious disease morbidity has fallen by 17 per cent; the free provision of special dairy products has been initiated for infants under two years of age; the dairy product output for toddlers has gone up by 16 per cent over three years; the number of social assistance centres for families and children has increased fourfold over three years; the school drop-out rate decreased by 40 per cent in 1995 alone; more than 100 rehabilitation centres for disabled children have been established; and more children are receiving social benefits.

However, the situation remains complicated. Of particular concern is the poverty of a large part of the population; in 1995, 25 per cent of the population had an income that was below subsistence level.

The result is poorer nutrition and worse children's health. The problems of orphaned children have worsened. Juvenile delinquency and the rise in drug addiction among adolescents are of concern. There is an acute shortage of budgetary resources to resolve these and other problems of childhood and motherhood. The non-governmental organizations that could undertake to resolve some childhood problems are still weak.

We hope that the recently adopted UNICEF regional programme of action in the countries of Central and Eastern Europe, the Commonwealth of Independent States and the Baltic, the opening of a regional office of the Fund in Geneva and a liaison office in Moscow, and the setting up of a regional fund to finance activities in non-programme countries, will enhance the potential of UNICEF activities in the region, including in Russia, and help to improve the situation for children in Russia during this difficult period of market reforms.

Mr. Reid (Australia): It is clear to all that the United Nations has a role to play in meeting the contemporary challenges faced by the international community. The United Nations Charter and the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations pledge this institution to support and strengthen fundamental human rights, social progress, tolerance and the maintenance of international peace and security.

As recently as this current session, Australia, through an address by the Foreign Minister, Alexander Downer, reaffirmed its long-standing commitment to the United Nations and indicated its preparedness to continue to work jointly with Members to achieve these goals.

Sustained effort across all areas of the Charter is fundamental to broad-based and lasting progress. We recognize the critical role in this matrix of the work of United Nations operational activities in supporting, through international partnership, national capacities and progress in the economic, social and related fields.

The World Summit for Children, held in this city six years ago, quite properly highlighted the priority concern of all Members for children and adopted a Plan of Action to address these concerns. The Summit was also the first of a series of international conferences and summits that between them have articulated agreed priorities for economic and social progress or, as we now term them, measures for the eradication of poverty. As highlighted by the Secretary-General's report on progress at mid-decade on implementation of General Assembly resolution 45/217 on the World Summit for Children, the Summit was unique in that it produced specific, measurable and time-bound goals. We have declared what we will do and when we will do it. It is therefore appropriate that this Assembly now examine progress with regard to these goals.

For our own part, Australia, under its new Government, recognizes and acknowledges the need for an expanded and high level of immunization for children, and this is reflected centrally in our own health policy.

The progress described in the report is sound. Progress has been made, reflecting effective commitment at the national, regional and international levels. Progress on child immunization, particularly in the Asia-Pacific region, is impressive. This is practical progress by nations in meeting declared priorities and is a concrete demonstration of the worth of international cooperation. National Governments, the United Nations Children's Fund and related United Nations funds and programmes, with the important inclusion of the United Nations Development Programme, can be justifiably proud of these achievements. Australia, too, has been pleased to play a part in this achievement through our support for activities undertaken by both national Governments and the United Nations system.

Nevertheless, the gains have not gone far enough and have been neither universal nor uniform. Progress in reducing infant mortality has been too slow. This is particularly deplorable given that effective, low-cost

technologies and interventions currently exist. Priority needs to be given to those regions in which mortality is highest, targeting the major causes of preventable child mortality. Twelve million children under five years of age die each year. The majority of these could be saved by practical, low-cost interventions. If only one achievement results from this session of the Assembly, it must surely be a commitment to apply now the available and affordable solutions that are at hand to the prevention of the deaths of children under five years of age. This single action would do as much to achieve the goals of the World Summit for Children as has been achieved in the preceding period.

More also needs to be done to advance child literacy, reduce the unacceptably high rates of maternal mortality and strengthen the social and economic status of women and children. These are complex challenges. They demand carefully crafted responses in many individual instances. Australia remains committed to supporting effective national and United Nations programmes that target these key areas and contribute to sustainable development.

Australia, in the company of many other countries, agrees that more needs to be done — and done more quickly — to meet the provisions of the Charter. Despite good progress having been made, wastage, duplication and missed opportunities have occurred too often. We are committed to making the United Nations system and its operational activities more responsive, better targeted and fully accountable to Members.

Financing is a part of this effort. We accept that more needs to be done to place the operational activities of the United Nations on a secure and predictable financial footing. In this respect, the issue of burden-sharing is as relevant as the absolute levels of resources. We also see sharing of experiences, in particular South-South cooperation, as valuable in providing for unmet needs and strengthening international cooperation.

Greater effectiveness within current resource levels is also a key aspect. The growth in both the number and complexity of challenges faced by United Nations operational activities requires greater efficiency on all fronts. We will work with the United Nations and Members to achieve these necessary efficiencies. We are concerned that reform initiatives begun some time ago are yet to bear fruit at the all-important country level. Like others, we are impatient for real progress and the realization of efficiency dividends that can be reinvested back into the programmes of the operational activities.

Fifteen dollars represent the average cost of the vaccines, syringes, cold chain equipment and health worker's training and salary which are needed to immunize, for life, one child against the six major childhood diseases. We are advised that the cost of a single page of United Nations documentation in the six official languages is $900. What greater motivation do we need to pursue more effective and efficient operation of the United Nations system than the potential for 60 additional, at-risk children to be vaccinated for life for every page of United Nations documentation we give up. There are, of course, other substantive efficiencies we can and must pursue.

In closing, Australia welcomes the report of the Secretary-General and the progress it describes on what must be a priority for all of us. The review process and the progress against the goals set at the World Summit for Children it describes have been valuable in maintaining commitment and mobilization of effort for children. However, more needs to be done in meeting the basic needs of children. Australia will continue to work with partners to address these pressing challenges.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union. The following associated States align themselves with this statement: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovenia and Slovakia. Iceland and Liechtenstein also align themselves with this statement.

Six years ago, in 1990, 71 Heads of State or Government gathered in this Assembly Hall to adopt the World Declaration on the Survival, Protection and Development of Children and a Plan of Action for its implementation. Not only was this Summit a landmark occasion in its own right, but it was also, appropriately, the first in a series of major United Nations summits and conferences that will end with the World Food Summit in Rome next month. These meetings have helped redefine our thinking on human development and have led to a consensus at the international level on how we should go about achieving a better quality of life for all people. Each of the conferences has reaffirmed our commitment to meeting the needs of children.

It is noteworthy that we are assessing progress towards the goals we have set ourselves for the survival, protection and development of all children almost 50 years to the day since United Nations Children's Fund (UNICEF) was established and in a world where there

has been almost universal ratification of the Convention on the Rights of the Child. A remarkable 187 States have now ratified the Convention, which provides for the promotion and protection of the rights of the child.

Governments must now ensure the implementation of the obligations they have undertaken under the Convention. These obligations are closely interconnected with the goals of the children's Summit. The European Union wishes to stress that the best interests of the child must underlie all of our actions, including ensuring full and equal enjoyment of all human rights by the girl child.

Among the ways in which our commitment to children finds practical expression is in the large number of countries — 150 — which have drawn up national programmes of action to implement the outcome of the World Summit for Children. In addition, in many countries there are complementary programmes at regional and local levels.

We welcome the Secretary-General's report on progress to date. The European Union finds encouragement in the overall positive trends that are reported and appreciates the efforts that have been made, often in difficult circumstances, to improve children's survival prospects and the quality of their lives. Developments such as near-universal immunization coverage; the great progress which has been made in the eradication of guinea worm disease; the prevention of iodine-deficiency disorders; the promotion of oral rehydration programmes; and improvements in access to safe water must all be commended. Of course, the sustainability of these achievements, including through the development of local capacity, is now of crucial importance and, in this context, reliable indicators and monitoring and evaluation are essential.

While there has been solid progress, it must be acknowledged that this progress has been uneven between goals, between regions and subregions and within countries in those regions. The European Union remains deeply concerned about the millions of children living in poverty throughout the world and particularly about the situation of women and children in sub-Saharan Africa and parts of South Asia, where relatively little progress has been made. Children growing up in poverty are often permanently disadvantaged.

Sadly, the goals regarding improved nutrition, access to sanitation and maternal mortality rates have not been met and progress on basic education, particularly for girls, is not on track.

Thus, while much has been done in the area of children's survival, much remains to be done to ensure their development and protection. We must work not only to meet the basic survival goals undertaken but also to place more emphasis on the protection of children from abuse, exploitation and neglect. We must do more to take care of them in emergencies and in armed conflicts situations. In this context, we note the substantial report of the Secretary-General's expert on the impact of armed conflict on children.

The European Union reiterates its strong commitment to implementing the Stockholm Agenda for Action Against the Commercial Sexual Exploitation of Children. We support the efforts of the working group that is drafting an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. We support all efforts to eliminate child labour and we urge Governments to take all necessary measures for an immediate elimination of the most extreme and hazardous forms of child labour. We express again our deep concern at the growing number of street children. In addition, the European Union will continue to work towards improving the situation of children with disabilities in order to ensure that they enjoy their human rights fully.

We commend the United Nations system, particularly UNICEF and also the International Labour Organisation and World Health Organization for their efforts to assist countries in the implementation of the commitments made at the World Summit for Children. As noted earlier in this statement, we now have an international consensus on human development and, since the adoption of the Declaration, the particular needs of children have been placed in this broader context. We support the integrated approach which has been taken by the United Nations system to the follow-up to the summits and conferences and we encourage the relevant bodies, particularly those involved in the implementation of the Cairo, Copenhagen and Beijing Conferences, to continue to work to ensure that all commitments relating to children are met.

The European Union reaffirms its commitments at the national level and as part of the international community, which shares in the responsibility to ensure the survival, protection and development of all children. Some adjustment and reorientation of work plans and

action to be taken will be required in order to concentrate over the next few years on those areas where there has been relatively little progress. The European Union has noted the Secretary-General's proposal to have an end-of-decade review meeting. We expect to see not only more progress on child survival, but also great improvement in the quality of life of all of our children in the coming years.

The Acting President *(interpretation from Arabic)*: We have heard the last speaker in the debate on this item for this morning's meeting. We shall hear the remaining speakers on this item this afternoon.

The meeting rose at 1 p.m.